



September 27, 2022

**VIA ECF**

Hon. Sarah Netburn, U.S.M.J.  
Thurgood Marshall Courthouse  
Southern District of New York  
40 Foley Square, Room 430  
New York, New York 10007

**Re: *Andrea Toledo v. Unibud Restoration Corp. et al***  
**Case No.: 21-cv-882 (GBD) (SN)**

Dear Judge Netburn:

We represent Plaintiff in connection with the above-referenced matter. I write jointly with all parties appearing pursuant to Your Honor's instructions in the order issued on 9/23/2022 (Dkt. #97), to provide a status update and inform the Court whether the parties intend to file a motion for summary judgement. This matter has settled between Plaintiff and Defendant Unibud. However, Brend refuses to sign a Rule 41(a)(1)(A)(ii) stipulation of dismissal, therefore Plaintiff and Defendant Unibud jointly request that this matter be dismissed *solely as to* Defendant Unibud, without prejudice and without cost and expenses pursuant to Rule 41(a)(2). The case currently proceeds against the Brend defendants. Both Plaintiff and Brend intend to file respective motions for summary judgement. Brend requests that the motions be due by October 21, 2022.

Very truly yours,

Dated: September 27, 2022  
New York, New York

*Respectfully submitted,*

DEREK SMITH LAW GROUP, PLLC

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*Attorneys for Plaintiff*

A handwritten signature in blue ink, appearing to read 'Seamus P. Barrett', with a stylized flourish at the end.

Seamus P. Barrett, Esq.